



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Eric Schalansky, Regional Director
National Indian Gaming Commission
801 I Street, Suite 489
Sacramento, CA 95814

DEC 30 2008

RE: MUR 6010

Dear Mr. Schalansky:

On June 10, 2008, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On December 18, 2008, the Commission found, on the basis of the information in the complaint, and information provided by Partnership for America and McClintock for Congress, that there is no reason to believe that the National Indian Gaming Association violated 2 U.S.C. §§ 441a(a) or 441b. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's findings, are enclosed for your information.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, reading "Stephen A. Gura".

Stephen A. Gura
Deputy Associate General Counsel
for Enforcement

Enclosures
Factual and Legal Analysis

29044224013

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

Respondent: National Indian Gaming Association

MUR: 6010

I. INTRODUCTION

This matter arises from a complaint alleging that an Indian tribe made an excessive and prohibited contribution to the McClintock for Congress committee, the principal campaign committee of Tom McClintock, the 2008 Republican nominee for California's Fourth U.S. Congressional District. The complaint alleges that on or about April 22, 2008, Tom McClintock personally solicited contributions from Indian tribes at a National Indian Gaming Association conference, but it does not identify any specific tribes alleged to have made contributions.

II. FACTUAL AND LEGAL ANALYSIS

An Indian tribe is a "person" under the Act and is therefore subject to the contribution limitations and prohibitions in the federal campaign finance law.¹ An Indian tribe may contribute up to \$2,300 per election to federal candidates unless the tribe is prohibited from making contributions because it is a corporation or a federal government contractor, in which case the tribe would be subject to the same prohibitions on contributions as other corporations and federal government contractors. Additionally, political committees, including candidate and party committees, must report contributions from Indian tribes on their regularly filed disclosure reports.

McClintock for Congress asserts that it properly disclosed all contributions solicited and received by McClintock at the conference. Although McClintock for Congress did not disclose any contributions from Indian tribes, it received contributions

¹ See 2 U.S.C. § 441a(a)(1) and (2); AO 1978-51.

1 from individuals on or around the time of the gaming tribes' meeting. None of the
2 disclosed contributions appear to be improper.

3 There is no information in FEC reports indicating that the National Indian
4 Gaming Association itself contributed money to McClintock for Congress. Therefore,
5 since the complaint does not allege, and we have no information, that the National Indian
6 Gaming Association made an excessive or prohibited contribution to McClintock for
7 Congress, there is no reason to believe that the National Indian Gaming Association
8 violated 2 U.S.C. §§ 441a(a)(1) and 441b.